



State of New Jersey

BOARD OF PUBLIC UTILITIES

TWO GATEWAY CENTER

NEWARK NJ 07102

RICHARD J. CODEY
Acting Governor

May 5, 2005

KRISTI IZZO
Secretary of the Board
Tel: (973) 648-3426
Fax: (973) 648-2409

TO: NEW JERSEY ELECTRIC & GAS UTILITIES

Re: Request to Provide Customer Data to Evaluate Low Income Program and
Advance Proprietary Information Determination -- Docket No. EX00020091

Dear Representatives:

The referenced matter was brought before the Board of Public Utilities ("Board") at its March 11, 2005, Agenda Meeting. At that time, the Board approved the retention of a consultant to evaluate the success of the Universal Service Fund and its associated programs. To fulfill the Board's intended purpose, the consultant, APPRISE, needs access to certain customer data. The utilities expressed a concern that customer data is protected pursuant to the Electric Discount Energy and Competition Act (EDECA) from disclosure to third parties.

The customer data at issue is necessary to allow a full evaluation of the USF Program pursuant to the Board's directive. EDECA pertains to the release of customer data by electric power and gas suppliers to *third parties* for the purposes of energy and gas retail competition, not to *the Board or its agents* for the purposes of evaluation on a low-income program designed to assist customers with paying their bills. As such, the Board finds that the release of this information to the Board and its consultant is not the release to a third party.

In addition, N.J.A.C. 14:1-12.1(e) states that "Nothing in this subchapter shall limit the Board's authority to make a confidentiality determination within the context of a hearing or other proceeding or with regard to any other matter the Board may deem appropriate."

Accordingly, the Board hereby directs the New Jersey electric and gas utilities to provide the requested customer information to APPRISE based upon the Board's receipt of confidentiality statements from each staff member of APPRISE and its subcontractors, which ensure that any information provided to APPRISE as part of the referenced proceeding is hereby determined to be and shall be treated as confidential, notwithstanding the New Jersey electric and gas utilities' provision of it to APPRISE for the purposes of evaluation of the USF program. Moreover, the Board hereby determines that it will maintain such customer information as confidential under the Open Public Records Act, N.J.S.A. 47:1A-1, et seq. (OPRA) and all other applicable statutes, again notwithstanding the utilities' provision of it to APPRISE for the purposes of evaluation of the USF program. This determination constitutes final agency action.

Sincerely,

Carmen Diaz
Acting Board Secretary

In the Matter of the Establishment of a Universal Service Fund Pursuant to
Section 12 of the Electric Discount and Energy Competition Act of 1999
Docket No. EX00020091 - Service List

BPU Staff

Jess Melanson
Senior Policy Advisor
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Shauna Jackson, Esq.
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Nusha Wyner, Director
Division of Energy
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Dennis Moran, Assistant Director
Division of Energy
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Kent Papsun, Director
Division of Customer Assistance
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Eleana Lihan
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Lisa Nicastro
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Julie Ford-Williams
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Wilma Hoggard, Director
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Walter Szymanski, Director
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Robert Catona
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Daniel Sussman
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Division of Law

Carla V. Bello, DAG
New Jersey Department of Law and Public
Safety, Division of Law
124 Halsey Street
P.O. Box 45029
Newark, NJ 07102

Division of the Ratepayer Advocate

Seema Singh, Esq.
Director
Division of the Ratepayer Advocate
31 Clinton Street, 11th Floor
P.O. Box 46005
Newark, NJ 07101

Sarah H. Steindel, Esq.
Division of the Ratepayer Advocate
31 Clinton Street, 11th Floor
P.O. Box 46005
Newark, NJ 07101

Paul Flanagan, Esq.
Division of the Ratepayer Advocate
31 Clinton Street, 11th Floor
P.O. Box 46005
Newark, NJ 0710

Department of Community Affairs

Clarice Sabree-Sylla
New Jersey Department of Community
Affairs
Office of Low Income Energy Conservation
101 S. Broad Street, 5th Floor
PO Box 806
Trenton, NJ 08625-0806

Department of Health & Senior Services

Gladys Rivera
New Jersey Department of Health and
Senior Services
P.O. Box 715
Trenton, NJ 08625-0715

Wade Epps
New Jersey Department of Health and
Senior Services
P.O. Box 715
Trenton, NJ 08625-0715

Department of Human Services

Bernard J. Walsh
New Jersey Department of Human Services
Division of Family Development
P.O. Box 716
Trenton, NJ 08625-0716

AARP/New Jersey League of Municipalities

Joel L. Shain
Shain, Schaffer & Rafanello
Plaza 202
150 Morristown Road
Bernardsville, NJ 07094

AARP
James Dieterle
AARP
Forrestal Village
132 Main Street
Princeton, NJ 08540

New Jersey Citizen Action

Evelyn Liebman
New Jersey Citizen Action
556 Haddon Ave
Collingswood, NJ 08108

New Jersey Catholic Conference

Marlene Lao-Collins
New Jersey Catholic Conference
211 N. Warren Street
Trenton, NJ 08904

Legal Services of New Jersey

David McMillin
Legal Services of New Jersey
P.O. Box 1357
Edison, NJ 08818-1357

New Jersey Public Interest Research Group

Dena Mottola
New Jersey Public Interest Research Group
11 N. Willow Street
Trenton, NJ 08608

New Jersey Community Action Association,
Inc.

Theodore Gooding, President
New Jersey Community Action Association,
Inc.
227 East Hanover Street
Trenton, NJ 08608

Rockland Electric Company

James C. Meyer, Esq.
Riker, Danzig, Scherer, Hyland & Perrotti,
LLP.
One Speedwell Avenue
P.O. Box 1981
Morristown, NJ 07962

Jack L. Carley, Esq.
Consolidated Edison Company of New York
4 Irving Place
18th Floor, Room 1815-S
New York, NY 10003

Kevin Jones
Energy Services
Orange and Rockland Utilities, Inc.
390 West Route 59
Spring Valley, NY 10977-5320

NUI/Elizabethtown Gas Company

Mary Patricia Keefe, Esq.
Elizabethtown Gas Company
One Elizabethtown Plaza
P.O. Box 3175
Union, NJ 07083-1875

Susan Potanovich
Elizabethtown Gas Company
One Elizabethtown Plaza
P.O. Box 3175
Union, NJ 07083-1875

Tom Kaufmann
Elizabethtown Gas Company
One Elizabethtown Plaza
P.O. Box 3175
Union, NJ 07083-1875

South Jersey Gas Company

Gary P. Dean, Manager
Rates & Tariffs
South Jersey Gas Company
One South jersey Plaza
Route 54
Folsom, NJ 08037

Ira G. Megdal, Esq.
Cozen & O'Connor
Liberty View Building, Suite 300
457 Haddonfield Road
Cherry Hill, NJ 08002

Jersey Central Power & Light Company

Tim Keltz
JCP&L/FirstEnergy
Route 183 and Van Reed Road
P.O. Box 15152
Reading, PA 19612-5152

Gary Gamler
JCP&L/FirstEnergy
Route 183 and Van Reed Road
P.O. Box 15152
Reading, PA 19612-5152

Conectiv

Gary Cohen
Conectiv
401 Eagle Run Road
P.O. Box 9239
Newark, DE 19714-9239

New Jersey Natural Gas Company

Anne-Marie Peracchio
New Jersey Natural Gas Company
1415 Wyckoff Road
P.O. Box 1464
Wall, NJ 07719

Gregory Seitz
New Jersey Natural Gas Company
1415 Wyckoff Road
P.O. Box 1464
Wall, NJ 07719

Public Service Electric and Gas Company

Francis E. Delany, Jr, Vice President and
Corporate Rate Counsel
Public Service Electric and Gas Company
80 Park Plaza, T8C
Newark, NJ 07102

Eileen Leahey
Public Service Electric and Gas Company
80 Park Plaza, T7A
Newark, NJ 07102

Shell Energy Services
Steven S. Goldenberg, Esq.
Greenbaum, Rowe, Smith, Ravin, Davins,
Himmel, LLP.
Metro Corporate Campus One
P.O. Box 5600
Woodbridge, NJ 07095-0988

Paul F. Forshay, Esq.
Sutherland, Asbill & Brennan LP
1275 Pennsylvania Avenue, NW
Washington, DC 20004-2415

New Jersey Tenants Organization

Matthew B. Shapiro, President
New Jersey Tenants Organization
389 Main Street
Hackensack, NJ 07601

David Carroll
Apprise, Inc.
403 Wall Street
Princeton, NJ 08540